



# Public Service Commission

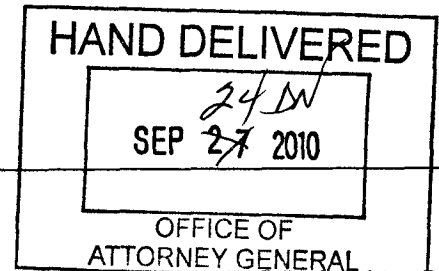
## State of North Dakota

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

The Honorable Wayne Stenehjem  
North Dakota Attorney General  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0040



600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480

24 September 2010

Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

RE: Siting, Electric, and Practice & Procedures Rulemakings  
Case No. PU-10-128, Case No. PU-10-129, and Case No. AD-10-167

Dear Attorney General Stenehjem:

Enclosed please find proposed amendments to the North Dakota Administrative Code by the North Dakota Public Service Commission. In accordance with N.D.C.C. § 28-32-14, the North Dakota Public Service Commission requests your examination of these rules as to their legality so they may be considered for formal adoption and publication in the North Dakota Administrative Code.

Attached for purposes of review is a copy of each of the following:

- The proposed rule changes as ordered by the Commission (no change from the rules as originally proposed);
- Full Notice of Intent to Amend Administrative Rules;
- Abbreviated Notice of Intent to Amend Administrative Rules;
- Affidavit of Publication from the North Dakota Newspaper Association;
- North Dakota Newspaper Association invoice showing the names of the newspapers where the abbreviated Notice was published;
- A copy of one of the actual notices, as published (others are available if you want them);
- A copy of the cover letter filing the Notice and Administrative Rules with the Legislative Council with the filing acknowledgment;
- Notice to sponsors - N/A. The proposed rules do not implement legislation enacted during the most recent legislative session;
- A statement for each rule case regarding the required regulatory analyses, takings assessments, and small entity regulatory analyses;
- Staff testimony is included. No other comments were received at the hearing or in writing; and

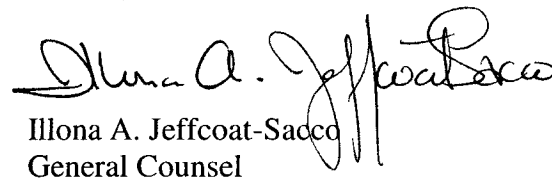
- 18 AD-10-167 Filed 09/24/2010 Pages: 29  
Letter to Attorney General Requesting Examination of Rules for Legality  
Public Service Commission
- 19 PU-10-129 Filed 09/24/2010 Pages: 29  
Letter to Attorney General Requesting Examination of Rules for Legality  
Public Service Commission
- 19 PU-10-128 Filed 09/24/2010 Pages: 29  
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Public Service Commission

The Honorable Wayne Stenehjem  
24 September 2010  
Page 2

- The 22 September 2010, Public Service Commission Order Submitting Rules to the Attorney General which summarizes the comments and the Commission's consideration of them.

Thank you for your consideration of the rules. If you have any questions please do not hesitate to call or email.

Best regards,



Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

**Public Service Commission  
Weights and Measures  
Rulemaking**

**Case No. WM-10-63**

**Public Service Commission  
Siting  
Rulemaking**

**Case No. PU-10-128**

**Public Service Commission  
Electric  
Rulemaking**

**Case No. PU-10-129**

**Public Service Commission  
Decommissioning  
Rulemaking**

**Case No. PU-10-159**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-10-167**

**NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES  
AND NOTICE OF PUBLIC HEARING**

**June 2, 2010**

**PLEASE TAKE NOTICE** that the Public Service Commission will hold a public hearing to address proposed amendments to the North Dakota Administrative Code. The hearing will be held at 1:30 p.m., on **July 14, 2010, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota**. The proposed revisions to the North Dakota Administrative Code are:

**Weights and Measures: Case No. WM-10-63**

The North Dakota Metrology Laboratory will officially close on June 30, 2010 and all of the proposed rule changes are related to that closing.

**Siting - Case No. PU-10-128**

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent.

**Electric: Case No. PU-10-129**

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers.

**Decommissioning: Case No. PU-10-159**

The proposed rule implements the requirement in 2009 House Bill 1449 (N.D.C.C. § 49-02-27) that the commission's wind farm decommissioning rules address present and future natural resource development.

**Practice and Procedure: Case No. AD-10-167**

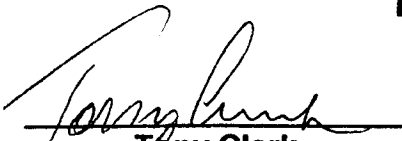
The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

All of the proposed rule changes and the statements concerning Regulatory Analyses, Small Entity Analyses and Takings Assessments may be reviewed at the Public Service Commission's offices on the 12th floor of the State Capitol, Bismarck, North Dakota. To obtain a copy of the proposed rule changes or the statements contact the Public Service Commission at 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, or 701-328-2400, toll free 1-877-245-6685. This information is also available to view on the Commission's web site at [www.psc.state.nd.us](http://www.psc.state.nd.us) under "Formal Actions/Case Search".

Interested persons may submit written comments on the proposed rules. Written comments should be filed with Darrell Nitschke, Executive Secretary, Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480. The comment period closes 10 days after the hearing. Comments received by July 26, 2010 will be considered.

If individuals require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify, Darrell Nitschke, Executive Secretary, at least 24 hours prior to the hearing at 701-328-2400, Relay North Dakota TTY: 1-800-366-6888, or [dnitschk@nd.gov](mailto:dnitschk@nd.gov).

**PUBLIC SERVICE COMMISSION**

  
**Tony Clark**  
Commissioner

  
**Kevin Cramer**  
Chairman

  
**Brian P. Kalk**  
Commissioner

**NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES AND NOTICE OF  
PUBLIC HEARING**

**June 2, 2010**

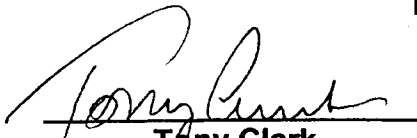
TAKE NOTICE that the Public Service Commission will hold a public hearing to address proposed amendments to the N.D. Admin. Code, relating to closing the metrology laboratory, determining corridor size, letters of intent, and requests for jurisdictional determinations in energy conversion and transmission facility siting cases, standardizing the content and format of annual reports tracking renewable electricity and recycled energy, implementing the requirement that the commission's wind farm decommissioning rules address present and future natural resource development, and repealing inconsistent language regarding practice before the Commission.

The public hearing will be held at 1:30 p.m., July 14, 2010, in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota. Written comments may be submitted to the Public Service Commission until July 26, 2010.

A copy of the proposed rules may be obtained from the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, or Relay North Dakota TTY: 1-800-366-6888. This information is also available to view on our web site at [www.psc.state.nd.us](http://www.psc.state.nd.us) under Formal Actions/Case Search.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the Public Service Commission by telephone or by writing to the address above at least 24 hours prior to the public hearing.

**PUBLIC SERVICE COMMISSION**

  
**Tony Clark**  
**Commissioner**

  
**Kevin Cramer**  
**Chairman**

  
**Brian P. Kalk**  
**Commissioner**



## Affidavit of Publication RECEIVED

JUL 06 2010

Colleen Park, being duly sworn, states as follows:

**PUBLIC SERVICE COMMISSION**

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **Public Service Commission Administrative Rules; 1 time(s)** as required by law or ordinance (please see attached memo).

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

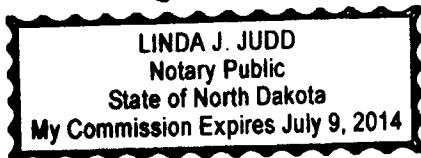
Signed: Colleen Park

State of NORTH DAKOTA

County of BURLEIGH

Subscribed and sworn to before me this 2nd day of July, 20 10.

Linda J. Judd





# North Dakota Newspaper Association

1435 Interstate Loop  
Bismarck, ND 58503-0567  
Ph (701) 223-6397 • Fax (701) 223-8185

# RECEIVED

## INVOICE

JUL 06 2010

## PUBLIC SERVICE COMMISSION

Order 27973-10065PP0

Invoice # 132388

July 2, 2010

Attn: JOHNG. HAMRE  
PUBLIC SERVICE COMMISSION  
600 E. BOULEVARD AVE.  
STATE CAPITOL  
BISMARCK, ND 58505

Voice: 701-328-4076

Advertiser: Public Service Commission

P.O.#:

Amount Due

\$2,046.18

Amount Paid

Please detach and return this portion with your payment

When placing an administrative rule notice, please fax or email your request. Regular mail is not always reliable when a deadline must be met. Thank you.

Public Service Commission Invoice # 27973-10065PP0-132388

Ad Size	Rate Type	Rate	Total	Discount (%)	Caption	Page	Run Date
COUNTY							
Ashley Tribune (Ashley ND)							
6.50	SPR1	5.41	Did Not Run	0.00	PSC Admin Rules		06/16/10
Ashley Tribune (Ashley ND)							
6.50	SPR1	5.41	Did Not Run	0.00	PSC Admin Rules		06/23/10
Ashley Tribune (Ashley ND)							
6.50	SPR1	5.57	36.21	0.00	PSC Admin Rules		06/30/10
Beach Golden Valley News (Beach ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
Bismarck Tribune (Bismarck ND)							
6.50	SPR1	10.82	70.33	0.00	PSC Admin Rules		06/14/10
Bottineau Courant (Bottineau ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/15/10
Bowbells Burke County Tribune (Bowbells ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
Bowman County Pioneer (Bowman ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
Cando Towner Co Record Herald (Cando ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/19/10
Carrington Foster Co Independ (Carrington ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/14/10
Carson Press (Elgin ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
Cavalier Chronicle (Cavalier ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
Center Republican (Hazen ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
Cooperstown Griggs County Courier (Cooperstown ND)							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10

<i>Ad Size</i>	<i>Rate Type</i>	<i>Rate</i>	<i>Total</i>	<i>Discount (%)</i>	<i>Caption</i>	<i>Page</i>	<i>Run Date</i>
<b>COUNTY</b>							
<b>Crosby The Journal (Crosby ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Devils Lake Daily Journal (Devils Lake ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/14/10
<b>Dickinson Press (Dickinson ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/13/10
<b>Elgin Grant County News (Elgin ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Ellendale Dickey Co Leader (Ellendale ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Fargo, The Forum (Fargo ND)</b>							
6.50	SPR1	10.82	70.33	0.00	PSC Admin Rules		06/14/10
<b>Finley Steele County Press (Finley ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
<b>Garrison McLean Co Independ (Garrison ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Grafton * Walsh County Record (Grafton ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Grand Forks Herald (Grand Forks ND)</b>							
6.50	SPR1	10.82	70.33	0.00	PSC Admin Rules		06/15/10
<b>Harvey The Herald-Press (Harvey ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/19/10
<b>Hazen Star (Hazen ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Hettinger Adams Co Record (Hettinger ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
<b>Jamestown Sun (Jamestown ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/14/10
<b>Killdeer Dunn County Herald (Killdeer ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
<b>Lakota American (Lakota ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>LaMoure Chronicle (LaMoure ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Langdon Cavalier Co Republican (Langdon ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/14/10
<b>Linton Emmons County Record (Linton ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Lisbon Ransom County Gazette (Lisbon ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/14/10
<b>Mandan News (Bismarck ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
<b>Mayville * Traill County Tribune (Mayville ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/19/10
<b>McClusky Gazette (McClusky ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Medora Billings Co Pioneer (Beach ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/17/10
<b>Milnor Sargent County Teller (Milnor ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10



<i>Ad Size</i>	<i>Rate Type</i>	<i>Rate</i>	<i>Total</i>	<i>Discount (%)</i>	<i>Caption</i>	<i>Page</i>	<i>Run Date</i>
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**COUNTY**

<b>Minnewaukan Benson Co Farmers Press (Minnewaukan ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Minot Daily News (Minot ND)</b>							
6.50	SPR1	10.82	70.33	0.00	PSC Admin Rules		06/13/10
<b>Mohall Renville County Farmer (Mohall ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Napoleon Homestead (Napoleon ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>New England The Herald (New England ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/18/10
<b>New Rockford Transcript (New Rockford ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/14/10
<b>Rolla Turtle Mountain Star (Rolla ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/14/10
<b>Rugby Pierce County Tribune (Rugby ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/19/10
<b>Stanley Mountrail Co Promoter (Stanley ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Steele Ozone &amp; Kidder Co. Press (Steele ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Towner Mouse River Journal (Towner ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Valley City Times-Record (Valley City ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/14/10
<b>Wahpeton Daily News (Wahpeton ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/13/10
<b>Watford City McKenzie Co Farmer (Watford City ND)</b>							
6.50	SPR1	5.41	35.17	0.00	PSC Admin Rules		06/16/10
<b>Williston Herald (Williston ND)</b>							
6.50	SPR1	7.35	47.78	0.00	PSC Admin Rules		06/13/10

Gross Advertising	2,046.18	Total Misc	0.00	Amount Paid	0.00
Agency Discount		Tax	0.00	Adjustments	0.00
Other Discount	0.00	Total Billed	2,046.18	Payment Date	
Service Charge	0.00	Unbilled	0.00	Balance Due	2,046.18

Your payment is due upon receipt. Thank you in advance for your prompt payment!

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**BEDROOM**  
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state advertised in this newspaper is  
the Federal Fair Housing Act, which  
illegal to advertise any preference,  
or discrimination based on race, color,  
sex, handicap, familial status or national  
origin to make any such preference,  
or discrimination. Familial status includes  
the age of 18 living with parents or  
relatives; pregnant women and people  
custody of children under the age of 18.  
The North Dakota Human Rights Act  
discrimination based on age, marital  
receipt of public assistance.  
er will not knowingly accept any  
for real estate which is in violation of  
all persons are hereby informed that all  
advertisements are available on an equal  
basis. If you believe you have been  
discriminated against in connection with the sale,  
financing of housing, call: North Dakota  
Housing Council at 701-221-2530 or toll-free  
1-800-907 or call HUD toll-free at 1-800-689-  
toll-free phone number for the hearing  
1-800-927-9275.

**DOKU**

2				1
		3	7	
	6	9	4	
4				1
		2		7
	9			6
	2	1	5	
		5		
5	3	8		

Level: Advanced

Sudoku puzzles are  
formatted as a 9x9 grid, bro-  
ken down into nine 3x3  
boxes. To solve a sudoku,  
the numbers 1 through 9  
must fill each row, column  
and box. Each number can  
appear only once in each  
row, column and box. See  
answer box in  
tomorrow's paper.

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ability. Staffing related experience is preferred but not  
secondary education in Human Resources/Business  
experience is required. The flexibility to travel frequently  
and knowledge of recruitment and selection

are interested in becoming a member of the  
Halliburton team, please apply online at:

**RENTAL ASSISTANCE**  
**PRAIRIE VIEW APARTMENTS**  
The Williston Housing Authority  
is accepting applications for  
housing assistance. Eligible  
tenants will not pay more than  
30% of their adjusted gross  
income for rent. Heat,  
electricity, water, and garbage  
paid by the Housing Authority.  
Laundry facilities on the  
premises. For more  
information and an application,  
contact our office at 1801 8th  
Avenue West or call 701-572-  
2006, TTY 1-800-366-6888.  
This institution is an equal  
opportunity provider.



**RENTAL ASSISTANCE**  
The Williston Housing  
Authority is accepting  
applications for hous-  
ing assistance for 2, 3  
and 4 bedroom apart-  
ments. Eligible ten-  
ants will not pay more  
than 30% of their  
adjusted gross income  
for rent. Heat, water,  
and garbage paid by  
the Housing Authority;  
electricity paid by  
tenant. For more in-  
formation and an ap-  
plication, contact our  
office at 1801 8th Ave-  
nue West or call  
701-572-2006, TTY  
1-800-366-6888. This  
institution is an equal  
opportunity provider.



**330. Professional Services**  
**PATH, ND INC.** is  
seeking families to be-  
come licensed and  
provide treatment for  
care services to  
youth in the Williston  
area. PATH provides  
financial reimbursement,  
professional social  
worker support and  
specialized training.  
Please contact  
Wendy at  
(701)572-7650 or  
1-800-766-9387.

**340. Daycare**

**LOOKING FOR CHILD CARE?**  
Call  
1-800-455-7801  
or search online at  
[www.ndchildcare.org](http://www.ndchildcare.org)

**Child Care**  
Resource and Referral  
Lutheran Social Services of ND

**350. Services**

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**900 FARM**  
We grow Grade A  
Kentucky Bluegrass.  
Call now to schedule  
installation.  
Hours:  
Mon-Fri.  
8:00-5:00 mst  
Sat: 8:00-12:00 mst  
Sun: 8:00-12:00 mst  
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for Saturday need to  
be placed by 2 pm on  
Friday.  
No sod cutting on Sat-  
urday, loading only.  
Delivery is Available.  
Call ahead for orders.  
1-701-744-5759

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370. Pets 370. Pets 370. Pets

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FOR more information  
call 701-570-7217

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free (701)572-2165 to  
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ples and kittens at  
home.

**Advertise in the Classifieds**

**YOUR RIGHT TO KNOW** and be informed of  
the functions of your government are  
embodied in legal notices. In that self  
government charges all citizen to be informed, this newspaper  
urges every citizen to read and study these notices. We strongly  
advise those citizens seeking further information to exercise their  
right to access to public records and public meetings.

999. Public Notices

**NOTICE OF NAMES OF PERSONS  
APPEARING TO BE OWNERS OF  
ABANDONED PROPERTY**  
Notice is hereby given that the following  
persons, their heirs, associations, administra-  
tors, successors or assigns, may be entitled  
to property (not real estate) which has been  
presumed abandoned under the Unclaimed  
Property Act (N.D.C. Chapter 47-30.1). The  
Act requires all businesses to file annual re-  
ports of unclaimed property. These names  
are from the most current annual reports.  
Previously reported properties which have not  
been claimed can be viewed at  
[www.land.nd.gov](http://www.land.nd.gov).

**WILLISTON**  
Aalef Colleen 3024 Rhinshore Dr  
Ackerson Family Trust C/O Ronald Ackerson  
Trustee PO Box 1708  
Albert Lorene 528 12th St W  
Alfrson Donna 1616 Bison Dr  
Amanda Hess Corp 113 4th St E  
American State Bank 1024 4th St W  
Anderson Kyle 902 28th St W  
Anderson Mary E 504 4th Ave W Ray  
Anderson Raymond PO Box 5 Ray  
Anderson Rodney C 504 4th Ave W Ray  
Anderson Wayne L 1620 E Hancock  
Ansoth Howard L PO Box 2104  
Ansoth Rita 1322 E Hill Ct  
Arcand Anthony 1509 West 18th St Box 1624  
Arcand Elaine F 1509 West 18th St Box 1624  
Aster Mel PO Box 316  
Bakken Craig G 806 13th St W  
Bakken Troy 1003 23rd St W  
Bail Charles F PO Box 1628  
Baron Carey PO Box 997 501 N Main Toga  
Bartz Blanche 816 Second Ave East  
Beath Corinne PO Box 4264  
Beard Martin B 1512 Rose Lane  
Berkley RR Box 25 Ray  
Borison Blend PO Box 262  
Bryant Mark 2201 13th Ave W  
Brockmiller A M PO Box 95 Egan  
Brown Myron L 320 Rose Lane  
Brunner Eric Stahl PO Box 248  
Budden Ron PO Box 895 Williston  
Burke Lawrence 10 1/2 1st St E  
Bush Elizabeth A 3002 17th Ave W  
Cain James P PO Box 1945  
Cameron Bryan 4022 19th St E  
Carnes Curtis A 13068 51st Northwest #243  
Caylo Justin L 2103 8th Ave W  
Chiropractic Health Center 228 W 14th St  
Collins Tara 1724 16th Ave W #403  
Conroy Portable Toilets 3620 2nd Ave W Box  
1563  
Craig Small Engine Repair 504 2nd St E  
Cram Devin PO Box 1744  
Cunningham Marc A 2125 7th Ave E  
Deedem Melissa 510 12th St West  
Disinger Margaret E 1609 3rd Ave W #15  
Dezler Robert 1725 28th St W  
Diamond Resources PO Box 1938  
Dorr Karl J PO Box 1888  
Dumas Kim A 3601 2nd Ave E Pen 125  
Dunn Thomas 501 4th St W # 202  
Durkin John A 1214 Englewood Loop  
Egge Estate Dorothy 1510 9th Ave NW #704  
Eide Cherie 11793 2nd St NW Ray  
Einkelt Linda Glen 1113 8th Ave E # 2  
El Crystal 608 13th St W  
El John 4751 Highway 1054  
El Kip 609 13th St W  
Engberg Bessie 1424 5th Ave W  
Engberg Brian 1424 5th Ave W  
Erickson Nathan A 708 4th Ave W  
Erickson Nora S 1712 First Ave West  
Fagerland Bernette 2215 N Main Ct  
Faulstich George J 1607 4th Ave W  
Finburn John L 23 Westchester Ave # 202  
Flomberg M G 8201 2nd Ave West  
Flomberg Dennis M 1510 Bison Dr # 323  
Foust Technology 902 19th Ave W  
Fraser Kenneth W 16 W 19th  
Frohlich Patrick 870 13th St West  
Fuchs Gregory De Carant PO Box 700  
Garnau Leslie 3106 9th Ave E

**MON-DAK HUMANE SOCIETY PHONE #**  
701-577-7387.

**TO GIVE AWAY:** Female Pomeranian Chi-  
huahua puppy, about  
three months old and  
has all shots. (701)  
859-4577.

**VISIT OUR VIRTUAL**  
shopper  
for pets available for  
adoption at  
[www.mon-dak-humane-society.org](http://www.mon-dak-humane-society.org)  
Mon-Dak Humane  
Society

999. Public Notices

**NOTICE OF HEARING FOR PETITION FOR  
FORMAL PROBATE OF A WILL AND  
APPOINTMENT OF A  
PERSONAL REPRESENTATIVE**  
Probate No. 10-P-128  
IN THE DISTRICT COURT,  
NORTHWEST JUDICIAL DISTRICT  
COUNTY OF WILLIAMS,  
STATE OF NORTH DAKOTA  
In the Matter of the Estate of  
Carmen H. Larsen, Deceased.  
NOTICE IS HEREBY GIVEN THAT Karen L.  
Peel has filed herein a Petition for Formal  
Probate of Will and Appointment of a Per-  
sonal Representative.  
Hearing has been set upon said Petition on  
the 9th day of July, 2010, at 11:00 o'clock  
a.m. at the Courtroom of the above named  
Court in the City of Williston, County of Wil-  
liams, State of North Dakota.  
Dated this 1st day of June, 2010.

999. Public Notices

Lampert Carrie 13255 104th St NW Ray  
Larsen Levi Martin 1218 W Broadway #1  
Larvig Chad 432 5th Ave W  
Lanz James PO Box 52  
Larson Russell 1903 Bison Drive  
Lundhess Duane F 900 Highland Dr E # 22  
Lundvig John S Star St  
Lundvig John W 14071 41st NW  
Lundvig Mabel S Star St  
Luthen Vernon 115 3rd Ave E # 1  
Lusbeck Tommy 1517 4th Ave W  
Lund Seth 1626 21st Ave W  
Mabett Patricia 13500 N Rancho Veto 511  
Martinez-Kueffer Jon 1918 1st Ave West #19  
Marston Theresa 6221 5th Ave West  
McGowan JR 2420 2nd Ave W # 216  
McCall Estate Thomas G 1231 6th Ave W  
McCoy Franklin E 3420 13th Ave E  
McFarlin Nick 1315 7th Ave E  
McGulley Joseph M 1624 4th Ave E  
McLean Brandon 1402 20th Ave W # 24  
Mendenhall Eleanor J PO Box 216 Ray  
Mestman Bernice L C/O Leah B Montgomery  
Gdn PO Box 2404  
Miller Robert H 910 East Broadway  
Mittler Theresa 926 3rd Ave E  
Moore Carol 5427 134th Ave NW  
Monson Steve 1821 21st Ave W  
Moran Gary PO Box 272 Trenton  
Moran Gary PO Box 272 Trenton  
Morano Adrien #13 Redaction Dr # 317  
Mortenson C A C/O Michael Knohsaugh 702  
22nd St East  
Nehring Darryl 511 4th Ave W  
Nelson Adam 1722 14th Ave W # 221  
Nelson Michael 6421 133rd Ave NW  
Nelson Richard L 8421 133rd Ave NW  
Nelson Todd PO Box 2321  
Nelson Vernon L PO Box 688 Toga  
Norry Russell E 711 14th St W  
Nordstrom Thomas 111 42nd St E  
Northwest Vision Center PO Box 1434  
Nyberg Jessica 2108 8th Ave E  
Nyberg Marie 6498 109th Ave NW Toga  
Nyberg Wayne A 6498 109th Ave NW Toga  
Olden John 2600 University Av  
Olson David 1001 W Box 483 Toga  
Ole Gas Inc PO Box 332 Toga  
Olson Whitney 1203 University Ave  
Olson Mark L 1001 24th St W  
Overs Kenneth 2026 8th Ave E  
Oyle Melissa 15066 52nd St NW  
Papineau Nora 1001 24th St West  
Petersen Robert C 4742 119th Rd NW  
Epping  
Peterson Mark L 1613 8th Ave West  
Peterson Melvin Marshall Peterson Personal  
Representative McGregor  
Plew Terry J 1801 8th Ave W  
Posches Benjamin W 1619 2nd Ave E  
Raid Derek E 1614 6th Ave W  
Rath Cindy 1001 W St Benedict Dr  
Rathburn Samuel 2616 19th Ave W  
Rauschenberger Grah 216 Willard Blvd  
Toga  
Releated David 14460 ND 5 Grenora  
Rendevous 7 Main St  
Rhodes Deaureaux 7470 100th Ave Toga  
Roe Trevor 9865 77th St NW Toga  
Ritter Thomas T PO Box 2138  
RNK Investments 408 23rd Terrace East  
Roughlen Glen 1024 4th St W  
Russell Kyle Anthony 1842 37th St W  
Seaverson July 1615 1st Ave W  
Sennons Stephen 1625 30th St W  
Schlaefke Richard Ernest 13768 60th St W  
Schlaefke Carla R 111 18th St W  
Schlaefke Gary 13657 57th St NW  
Semenko Kimberly 19354 West Front St #61  
Sevillie Joyce 1001 4th Ray  
Shaw Shanda Jean 1511 4th St W B  
Smith Dennis M 4310 2nd Ave W  
Smith Gordon PO Box 159 Toga  
Solash Alice 608 W Broadway  
Stangeland Joshua T 4678 130th Rd NW  
Stephen James M C/O Margery Pitz And  
Stevens 1525 9th Ave  
Sutton Estate Carol A 1643 8th Ave W

**BLUE HEELER**  
PUPS, purebred, 1st  
shots, parents on site,  
3 female and 1 male.  
Call (701)875-4466.

**381. Super Shopper**

**FREE AD SHOPPERS**  
KORNER  
Put your ad here free.  
One item for  
under \$100.

999. Public Notices

**NOTICE OF HEARING FOR PETITION FOR  
FORMAL PROBATE OF A WILL AND  
APPOINTMENT OF A  
PERSONAL REPRESENTATIVE**  
Probate No. 10-P-128  
IN THE DISTRICT COURT,  
NORTHWEST JUDICIAL DISTRICT  
COUNTY OF WILLIAMS,  
STATE OF NORTH DAKOTA  
In the Matter of the Estate of  
Carmen H. Larsen, Deceased.  
NOTICE IS HEREBY GIVEN THAT Karen L.  
Peel has filed herein a Petition for Formal  
Probate of Will and Appointment of a Per-  
sonal Representative.  
Hearing has been set upon said Petition on  
the 9th day of July, 2010, at 11:00 o'clock  
a.m. at the Courtroom of the above named  
Court in the City of Williston, County of Wil-  
liams, State of North Dakota.  
Dated this 1st day of June, 2010.

999. Public Notices

Neft Eileen and Neft, PC  
N/D Dwight C. Eiken  
Dwight C. Eiken  
Attorney for the Petitioner  
P.O. Box 1526  
Williston, ND 58802  
(701) 577-2000  
Attorneys for Applicant  
(June 6, 13, 20, 2010)

999. Public Notices

**NOTICE OF INTENT  
TO AMEND  
ADMINISTRATIVE RULES**  
relating to closing the metrology  
laboratory determining corridor 820,  
letters of intent, and requests for  
jurisdictional determinations in  
energy conversion and transmission  
facility siting cases, standardizing  
the content and format of annual  
reports tracking renewable electricity  
and recycled energy, implementing  
the requirement that the  
commission's wind farm  
decommissioning rules address  
present and future natural resource  
development, and repealing  
inconsistent language regarding  
practices before the Commission.

999. Public Notices

**Public Service Commission**  
will hold a public hearing to  
address proposed changes to  
the N.D. Admin. Code.  
**Commission Hearing Rm.  
12th Floor  
State Capitol  
Bismarck, ND  
Wed, July 14, 2010  
1:30 p.m.**  
A copy of the proposed rules may be  
obtained by writing the Public Service  
Commission, 600 E. Boulevard Ave., Dept.  
408, Bismarck, ND 58505-0480 or by  
calling (701) 326-2400, toll-free 1-877-345-  
6685 or Relay North Dakota TTY: 1-800-  
365-6588. This information is also available  
to view on our web site at  
[www.psc.state.nd.us/under/Formal/AdditionalCaseSearch](http://www.psc.state.nd.us/under/Formal/AdditionalCaseSearch). Also, written comments may  
be submitted to the Public Service  
Commission at the above address, until July  
26, 2010. If you plan to attend the public  
hearing and will need special facilities or  
assistance relating to a disability, please  
contact the Public Service Commission by  
telephone or by writing to the address above  
at least 24 hours prior to the public hearing.

**NOTICE OF EXECUTION SALE**  
Civil No. 09-C-811-1  
STATE OF NORTH DAKOTA  
COUNTY OF WILLIAMS  
IN THE DISTRICT COURT  
NORTHWEST JUDICIAL DISTRICT  
American State Bank & Trust  
Company of Williston, Plaintiff,  
vs.  
Dwight Aune, Defendant  
NOTICE is hereby given that by virtue of a  
Judgment and Decree of foreclosure rendered  
and given by the District Court in and  
for the county of Williams, North Dakota,  
Northwest Judicial District, entered and do-  
cumented in the office of the Clerk of said Court on  
May 17, 2010 in an action wherein American  
State Bank and Trust Company, as Plaintiff,  
and Dwight Aune was defendant, which ad-  
judged that there is due and owing to the  
Plaintiff upon a certain mortgage indebted-  
ness together with the costs and expenses  
incurred in this action, and interest, the sum  
of \$40,000.00, and therefore the title of a

999. Public Notices

Zulfer Sheila 105 49th St W  
For information concerning this property, or  
for ADA auxiliary aids, contact the Undeclared  
Property Administrator via e-mail on the Internet  
at [www.land.nd.gov](http://www.land.nd.gov), or at 1707 N 9th St.  
PO Box 5523, Bismarck ND 58506-5523.  
(701) 328-2800.  
-Jef Engelson  
Acting Land Commissioner  
(June 13, 2010)

999. Public Notices

**NOTICE OF HEARING FOR PETITION FOR  
FORMAL PROBATE OF A WILL AND  
APPOINTMENT OF A  
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IN THE DISTRICT COURT,  
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Dated this 1st day of June, 2010.

999. Public Notices

Neft Eileen and Neft, PC  
N/D Dwight C. Eiken  
Dwight C. Eiken  
Attorney for the Petitioner  
P.O. Box 1526  
Williston, ND 58802  
(701) 577-2000  
Attorneys for Applicant  
(June 6, 13, 20, 2010)

999. Public Notices

**NOTICE OF PRIVATE SALE**  
To: Brandon Bredford  
The contents of your leased space at Slow-  
away Storage, 827 Ave. E., Williston, North  
Dakota, are subject to a storage facility lien  
and will be sold by private sale beginning  
June 18, 2010, at 10:00 a.m. and continuing  
until all items are sold or disposed of as re-  
quired by law. Proceeds of said sale shall be  
used to pay back owed to Slowaway Storage.  
Dated this 2nd day of June, 2010.  
Dean W. Aalef  
STOWAWAY STORAGE  
827 8th Ave. E.  
P.O. Box 1949  
Williston, ND 58802-1949  
Telephone: (701) 572-7231  
(June 6, 13, 2010)

999. Public Notices

**NOTICE OF PRIVATE SALE**  
To: Joe Kallad  
The contents of your leased space at Slow-  
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(June 6, 13, 2010)

999. Public Notices

**NOTICE OF PRIVATE SALE**  
To: Randy Falcon  
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Telephone: (701) 572-7231  
(June 6, 13, 2010)

999. Public Notices

**NOTICE**  
The Board of County Commissioners of Wil-  
liams County, North Dakota, will receive  
sealed bids at the office of the County Auditor  
up until 9:00am on July 8, 2010 for the pur-  
chase of one (1) New Trailer, Billy Dump, 5th  
Wheel Type, 21 Cubic Yard Capacity.  
Further specifications can be obtained at the  
Williams County Highway Department, PO  
Box 1305, Williston ND 58802; or by calling  
(701)677-4621.  
The envelope should be marked "New Trailer,  
Billy Dump, 5th Wheel Type".  
The board reserves the right to accept or re-  
ject any or all bids.  
By order of the Williams County Commission.  
Dan Kall, Commissioner  
Beth, M. Ivins, Auditor  
(June 13, 20, 2010)

999. Public Notices

**NOTICE TO CREDITORS**  
Probate No. 10-P-128  
IN THE DISTRICT COURT OF WILLIAMS  
COUNTY, STATE OF NORTH DAKOTA  
In the Matter of the Estate of  
Charles E. Woods, Deceased.  
NOTICE IS HEREBY GIVEN that the under-  
signed has been appointed personal repre-  
sentative of the above estate. All persons  
having claims against said deceased are re-  
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months after the date of the first publication of

999. Public Notices

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P.O. Box 1949  
Williston, ND 58802-1949  
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(June 6, 13, 2010)

999. Public Notices

**NOTICE OF PRIVATE SALE**  
To: Mary Rose Kallman  
The contents of your leased space at Slow-  
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and will be sold by private sale beginning  
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Dated this 2nd day of June, 2010.  
Dean W. Aalef  
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827 8th Ave. E.  
P.O. Box 1949  
Williston, ND 58802-1949  
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999. Public Notices

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999. Public Notices

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999. Public Notices

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months after the date of the first publication of

999. Public Notices

**NOTICE OF EXECUTION SALE**  
Civil No. 09-C-811-1  
STATE OF NORTH DAKOTA  
COUNTY OF WILL



Public Service Commission  
State of North Dakota

JUN 03 2010

COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: www.nd.gov/psc  
E-mail: ndpsc@nd.gov  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

3 June 2010

Mr. John Walstad  
Code Revisor  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Re: Notice of Intent to Amend Administrative Rules  
Case Nos. WM-10-63, PU-10-128, PU-10-129, PU-10-159, and PU-10-167

Dear Mr. Walstad:

Enclosed please find copies of:

- Commission Motion Proposing Amendments, Scheduling Hearing, Issuing Notice of Intent to Amend Rules and Notice of Hearing, and Issuing an abbreviated Notice
- Notice of Intent to Amend Administrative Rules and Notice of Hearing
- Abbreviated Notice of Intent to Amend Administrative Rules and Notice of Hearing
- Proposed rule changes on the following:
  - Article 69-10, Testing and Safety Division
  - Article 69-06, Energy Conversion and Transmission Facility Siting
  - Chapter 69-09-06, Renewable Electricity and Recycled Energy Tracking System
  - Section 69-09-09-06, Decommissioning plan
  - Section 69-02-01-06, Practice before the commission

If you have any questions please do not hesitate to call.

Best Regards,

Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

Received in the office of the  
Legislative Council this 3 day of June, 2010  
By: ds

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Public Utilities - Siting  
Rulemaking**

**Case No. PU-10-128**

**STATEMENT ON REGULATORY ANALYSIS, SMALL ENTITY ANALYSIS  
AND TAKINGS ASSESSMENT**

The Commission is proposing amendments to North Dakota Administrative Code section 69-06-03-01 to clarify that requests to shorten the waiting period for filing a siting application must be in writing, and to remove language allowing Letters of Intent to be filed solely for the purpose of requesting a jurisdictional determination. Parties would instead file requests for jurisdictional determinations separate from letters of intent with better-specified filing and content requirements proposed in new Chapter 69-06-02.1.

The Commission is also proposing an amendment to North Dakota Administrative Code section 69-06-04-02 changing "approved" to "otherwise determined" to clarify that the Commission can designate a transmission facility corridor less than one mile wide or greater than six miles wide, even if the applicant does not request it.

**Regulatory Analysis**

N.D.C.C. § 28-32-08 requires an agency to prepare a regulatory analysis if the rule is expected to have an impact on the regulated community in excess of fifty thousand dollars. The law provides, in part:

2. The regulatory analysis must contain:
  - a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
  - b. A description of the probable impact, including economic impact, of the proposed rule;
  - c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and

- d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.

The proposed rules would better codify filing requirements for seeking jurisdictional determinations, which should save applicants and the agency time and expense in processing applications. Therefore, the proposed rules are not expected to have an impact on the regulated community in excess of fifty thousand dollars and a regulatory analysis is not required. The other changes are minor and should have no monetary impact on the regulated community.

### **Small Entity Regulatory Analysis**

N.D.C.C. § 28-32-08.1 requires that before adoption of any proposed rule, the adopting agency prepare a regulatory analysis in which the agency considers options to minimize adverse impact on small entities. The law provides, in part:

2. . . . The agency shall consider each of the following methods of reducing impact of the proposed rule on small entities:
  - a. Establishment of less stringent compliance or reporting requirements for small entities;
  - b. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small entities;
  - c. Consolidation or simplification of compliance or reporting requirements for small entities;
  - d. Establishment of performance standards for small entities to replace design or operational standards required in the proposed rule; and
  - e. Exemption of small entities from all or any part of the requirements contained in the proposed rule.

The proposed rule changes are not expected to have an adverse effect on small entities.

### **Takings Assessment**

N.D.C.C. § 28-32-09 requires an entity to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The law provides, in part:

1. . . . The agency's assessment must:

- a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
- b. Clearly and specifically identify the purpose of the proposed rule.
- c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
- d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
- e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
- f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.

Given that the proposed rules do not limit the use of private real property, a written assessment of the constitutional takings is not required.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Electric  
Rulemaking**

**Case No. PU-10-129**

**STATEMENT ON REGULATORY ANALYSIS, SMALL ENTITY ANALYSIS  
AND TAKINGS ASSESSMENT**

As required by N.D.C.C. § 49-02-34, electric retail providers report annually on their previous calendar year's energy sales. The reports include information regarding qualifying electricity delivered and renewable energy and recycled energy certificates purchased and retired as a percentage of annual retail sales and a brief narrative report that describes steps taken to meet the state renewable and recycled energy objective ("objective") over time, as established in NDCC § 49-02-28. and the reports also identify any challenges or barriers encountered in meeting the objective. The last annual report must be made on June 30, 2016.

After the reports were submitted to the Public Service Commission ("Commission") for 2009, a request was made by a generation and transmission cooperative, on behalf of its North Dakota distribution cooperatives, to the Commission for clarification on the expected content and format of the required annual reports because the reports submitted by the electric retail providers varied in content and format.

At a work session held on March 4, 2010 and as considered in the administrative portion of its regular meeting on March 10, 2010, the Commission directed the the staff to draft proposed rules to standardize the reporting content and format.

**Regulatory Analysis**

N.D.C.C. § 28-32-08 requires an agency to prepare a regulatory analysis if the rule is expected to have an impact on the regulated community in excess of fifty thousand dollars. The law provides, in part:

2. The regulatory analysis must contain:
  - a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
  - b. A description of the probable impact, including economic impact, of the proposed rule;

- c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
- d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.

A regulatory analysis is not required since the proposed rules are not expected to have an impact on the regulated community in excess of fifty thousand dollars. In fact, by standardizing the reporting content and format, it is anticipated that it will reduce costs for electric retail providers in complying with this reporting requirement.

### **Small Entity Regulatory Analysis**

N.D.C.C. § 28-32-08.1 requires that before adoption of any proposed rule, the adopting agency prepare a regulatory analysis in which the agency considers options to minimize adverse impact on small entities. The law provides, in part:

- 2. . . . The agency shall consider each of the following methods of reducing impact of the proposed rule on small entities:
  - a. Establishment of less stringent compliance or reporting requirements for small entities;
  - b. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small entities;
  - c. Consolidation or simplification of compliance or reporting requirements for small entities;
  - d. Establishment of performance standards for small entities to replace design or operational standards required in the proposed rule; and
  - e. Exemption of small entities from all or any part of the requirements contained in the proposed rule.

It is anticipated that by standardizing the reporting content and format, complying with this reporting requirement will reduce costs for electric retail providers including small entities. In addition, distribution cooperatives may aggregate their reporting through generation and transmission cooperatives and municipal utilities may aggregate their reporting through a municipal power agency.



### **Takings Assessment**

N.D.C.C. § 28-32-09 requires an entity to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The law provides, in part:

1. . . . The agency's assessment must:
  - a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
  - b. Clearly and specifically identify the purpose of the proposed rule.
  - c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
  - d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
  - e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
  - f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.

Given that the proposed rules do not limit the use of private real property, a written assessment of the constitutional takings is not required.

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-10-167**

**STATEMENT ON REGULATORY ANALYSIS, SMALL ENTITY ANALYSIS  
AND TAKINGS ASSESSMENT**

The purpose of the proposed amendment is to repeal language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

**Regulatory Analysis**

N.D.C.C. § 28-32-08 requires an agency to prepare a regulatory analysis if the rule is expected to have an impact on the regulated community in excess of fifty thousand dollars. The law provides, in part:

2. The regulatory analysis must contain:
  - a. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
  - b. A description of the probable impact, including economic impact, of the proposed rule;
  - c. The probable costs to the agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues; and
  - d. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why the methods were rejected in favor of the proposed rule.

The proposed rules amendment is not expected to impact the regulated community in excess of fifty thousand dollars. In addition, the requirements in the North Dakota Admission to Practice Rules currently apply so the proposed rule has no monetary impact.

### **Small Entity Regulatory Analysis**

N.D.C.C. § 28-32-08.1 requires that before adoption of any proposed rule, the adopting agency prepare a regulatory analysis in which the agency considers options to minimize adverse impact on small entities. The law provides, in part:

2. . . . The agency shall consider each of the following methods of reducing impact of the proposed rule on small entities:
  - a. Establishment of less stringent compliance or reporting requirements for small entities;
  - b. Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small entities;
  - c. Consolidation or simplification of compliance or reporting requirements for small entities;
  - d. Establishment of performance standards for small entities to replace design or operational standards required in the proposed rule; and
  - e. Exemption of small entities from all or any part of the requirements contained in the proposed rule.

No additional compliance standards or reporting requirements are proposed by this rules amendment and consequently, it will have no economic impact on small entities.

### **Takings Assessment**

N.D.C.C. § 28-32-09 requires an entity to prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The law provides, in part:

1. . . . The agency's assessment must:
  - a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
  - b. Clearly and specifically identify the purpose of the proposed rule.
  - c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.

- d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
- e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
- f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.

No regulatory taking of private real property is associated with this proposed rules amendment.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission**  
**Siting**  
**Rulemaking**

**Case No. PU-10-128**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 14, 2010**

I am Jerry Lein, Public Utilities Analyst with the Public Service Commission.

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent to file an application.

The minor change related to determining corridor size is proposed for section 69-06-04-02(1)(b), which currently specifies a minimum corridor size "unless approved by the Commission." The proposed change would substitute the language "otherwise determined" for the word "approved" to clarify that the Commission can designate a smaller corridor without first receiving a request from the applicant.

The rest of the proposed changes to the siting rules are intended to separate requests for jurisdictional determination from the letter of intent process. Language allowing a letter of intent to include a request for jurisdictional determination would be removed from section 69-06-03-01 and

instead there would be a new chapter 69-09-02.1 to specify the information required when asking for a jurisdictional determination.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Siting rulemaking proceeding.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions at this time.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Electric  
Rulemaking**

**Case No. PU-10-129**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 14, 2010**

I am Jerry Lein, Public Utilities Analyst with the Public Service Commission.

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers.

N.D.C.C. section 49-02-34 requires electric retail service providers to report annually through June 30, 2016 on previous year's energy sales. The statute specifies that the report must include information regarding qualifying electricity delivered and renewable energy and recycled energy certificates purchased and retired as a percentage of annual retail sales and a brief narrative report that describes steps taken to meet the objective over time and identifies any challenges or barriers encountered in meeting the objective. Proposed rule changes to chapter 69-09-08 of the N.D. Admin. Code would simply state that the report must be filed in the form and detail the commission may require.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Electric rulemaking proceeding.

The Commission has not received any written comments concerning this proceeding.

This concludes my testimony. I would be happy to answer any questions at this time.



**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-10-167**

**PUBLIC SERVICE COMMISSION STAFF TESTIMONY**

**July 1, 2010**

I am Illona A. Jeffcoat-Sacco, General Counsel with the Public Service Commission.

The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

I will not be available to attend the hearing on the proposed change. Please accept this written testimony as staff testimony on this rule.

The area of attorney practice outside one's home jurisdiction is, in today's global environment, an area of complexity and change. The North Dakota Admission to Practice Rules govern the practice of law in North Dakota, and the Commission's procedural rules should not include any language that might conflict with those Admission to Practice rules or confuse persons who are investigating how to legally practice in North Dakota. For this reason, staff recommends the conflicting language be deleted from the Commission procedural rules.

A Statement on Regulatory Analysis, Takings Assessment, and Small Entity Regulatory Analysis was prepared and filed on June 2, 2010, for this Practice and Procedure rulemaking proceeding.

As of the date of filing this testimony, the Commission has not received any written comments concerning this proceeding.

This concludes my testimony. Thank you.

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Public Service Commission  
Siting  
Rulemaking**

**Case No. PU-10-128**

**Public Service Commission  
Electric  
Rulemaking**

**Case No. PU-10-129**

**Public Service Commission  
Practice and Procedure  
Rulemaking**

**Case No. AD-10-167**

**ORDER SUBMITTING RULES TO ATTORNEY GENERAL**

**September 22, 2010**

**Appearances**

Commissioners Tony Clark, Kevin Cramer, and Brian P. Kalk

**Preliminary Statement**

On June 2, 2010 the North Dakota Public Service Commission (Commission) issued a formal Notice of Proposed Rulemaking and an Abbreviated Notice proposing to revise several sections to the North Dakota Administrative Code. The proposed rules are summarized as follows:

**Siting - Case No. PU-10-128**

Siting proposed rules incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**Electric: Case No. PU-10-129**

The renewable electricity and recycled energy tracking proposed rule standardizes the content and format of required annual reports of electric retail providers. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

## **Practice and Procedure: Case No. AD-10-167**

The proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules. The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

### **Public Hearing and Comments**

The Abbreviated Notice was published once in 51 official county newspapers the week of June 13 through June 19, 2010. The Ashley Tribune published the Notice on June 30, 2010. The notices were also forwarded to the Legislative Council for publication at least 30 days in advance of the hearing.

A public hearing was noticed for and held at 1:30 p.m., July 14, 2010. The hearing was held in the Commission Hearing Room, 12th floor, State Capitol, Bismarck, North Dakota.

The Commission allowed, after the conclusion of the rulemaking hearing, a comment period until July 26, 2010, during which data, views, or oral arguments concerning the proposed rulemaking could be received by the Commission and made a part of the rulemaking record to be considered by the Commission.

The only written comments filed were received at the hearing and were those of Commission staff.

### **Discussion**

#### **Siting - Case No. PU-10-128**

Staff prepared and filed a statement regarding the regulatory analysis, takings assessment, and small entity regulatory analysis.

Staff testified that the proposed changes incorporate a minor change relating to determining corridor size, a proposed rule concerning requests for jurisdictional determinations, and a proposed rule concerning letters of intent. One proposed change would clarify that the Commission can designate a smaller corridor without first receiving a request from the applicant. The rest of the proposed changes to the siting rules are intended to separate requests for jurisdictional determination from the letter of intent process.

No other comments were received and no changes are being made to the rules as originally proposed.

**Electric: Case No. PU-10-129**

Staff prepared and filed a statement regarding the regulatory analysis, takings assessment, and small entity regulatory analysis.

Staff testified that the proposed changes standardize the content and format of required annual reports of electric retail providers.

No other comments were received and no changes are being made to the rules as originally proposed.

**Practice and Procedure: Case No. AD-10-167**

Staff prepared and filed a statement regarding the regulatory analysis, takings assessment, and small entity regulatory analysis.


Staff testified that the proposed amendment repeals language regarding practice before the Commission that is inconsistent with the North Dakota Admission to Practice Rules.

No other comments were received and no changes are being made to the rules as originally proposed.

**Order**

The Commission orders the proposed changes to the North Dakota Administrative Code, as attached to and made a part of this order, be submitted to the Attorney General for an opinion that the rules are approved as to legality.

**PUBLIC SERVICE COMMISSION**

 _____ Tony Clark Commissioner	 _____ Kevin Cramer Chairman	 _____ Brian P. Kalk Commissioner
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